

SENATE BILL NO. 112

BY SENATOR JOHNS

1 AN ACT

2 To amend and reenact R.S. 40:1007(A), (B), (G), and (H), and to enact R.S. 40:1007(I) and
3 (J), relative to the Louisiana Board of Pharmacy; relative to the Uniform Controlled
4 Dangerous Substance Law; to provide for access to prescription monitoring program
5 information; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1007(A), (B), (G), and (H) are hereby amended and reenacted and
8 R.S. 40:1007(I) and (J) are hereby enacted to read as follows:

9 §1007. Access to prescription monitoring information

10 A. Except as provided in Subsections C, D, E, F, ~~and G~~, **H, and I** of this
11 Section, prescription monitoring information submitted to the board shall be
12 protected health information, not subject to public or open records law, including but
13 not limited to R.S. 44:1 et seq., and not subject to disclosure. Prescription monitoring
14 information shall not be available for civil subpoena nor shall such information be
15 disclosed, discoverable, or compelled to be produced in any civil proceeding nor
16 shall such records be deemed admissible as evidence in any civil proceeding for any
17 reason. Notwithstanding this provision, law enforcement and professional licensing,
18 certification, or regulatory agencies may utilize prescription monitoring information
19 in the course of any investigation and subsequent criminal and administrative
20 proceedings, but only in accordance with federal and state law and the requirements
21 of this Part.

22 B. The board shall maintain procedures to ensure that the privacy and
23 confidentiality of patients and patient information collected, recorded, transmitted,
24 and maintained is not disclosed to persons or entities except as in Subsections C, D,
25 E, F, ~~and G~~, **H, and I** of this Section.

26 * * *

27 **G. The board may provide prescription monitoring information in**

response to queries from prescription monitoring programs located in other states, through its participation in a secure interstate data exchange system. However, the board shall not provide prescription monitoring information to prescription monitoring programs located in other states unless the laws of the state receiving the information provide at a minimum both of the following:

(1) That the prescription monitoring information is protected health information, not subject to the Public Records Law, and not subject to disclosure.

(2) That the prescription monitoring information shall not be subject to civil subpoena, nor shall such information be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason.

H. The board may provide prescription monitoring information to authorized users of the prescription monitoring program via a state health information exchange or other third party conduit that has been approved by the board.

~~G~~ I. The board may provide prescription monitoring information to an individual who requests his personal prescription monitoring information in accordance with procedures established by board regulation.

~~H~~ J. The board and the advisory council shall be immune from civil liability arising from inaccuracy of any of the information submitted to the board pursuant to this Part.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____